

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	27-30-01	3
<p>Authority/References KRS 17.500, 17.510, 17.520, 17.545, 196.035, 530.020, 530.064, 531.310</p>	Date Filed	Effective Date
	Amended 12/9/08	February 6, 2009
Subject		SEX OFFENDER REGISTRATION

I. DEFINITION

“Registrant” is defined in KRS 17.500(5).

II. POLICY and PROCEDURE

- A. The registrant notification form shall be forwarded to the sentencing court with the presentence investigation. The completed form shall be forwarded to the Kentucky State Police Criminal Identification & Records Branch, 1250 Louisville Road, Frankfort, KY 40601 by the Probation and Parole Officer.
- B. A registry entry form shall be completed by the Probation and Parole Officer for each registrant.
 1. The remarks area of the form shall contain:
 - a. Information pertinent to the offense, including the exact nature of the unlawful sexual conduct;
 - b. The age and sex of the victim; and
 - c. The relationship of the victim and offender.
 2. This information shall be verified by the presentence investigation, if it is available.
 3. In compliance with the Federal Campus Sex Crimes Prevention Act, Pub. L. 106-386, a registrant who will be employed by, or enrolled as a student at, an institution of higher education (as defined in 20 U.S.C. 1001) in Kentucky, shall notify the local Probation and Parole Office. The registrant shall inform the local Probation and Parole Office of the institution where the offender will be employed or a student on or before the date of the offender’s arrival at that institution of higher education. The registrant shall immediately report any changes in employment or enrollment status at the institution of higher education to the local Probation and Parole Office in

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compliance with federal law and sign an acknowledgement that he or she is aware of the requirements.

- C. A photograph of the offender shall be taken when each offender registers. A new photograph shall be taken not less than once every two years in compliance with KRS 17.510(4). This photograph shall be submitted to the Kentucky State Police and a copy kept on file. If the offender has not already provided a DNA sample, he shall do so when appearing for the new photograph.
- D. The probation and parole officer shall forward completed registry entry forms and modifications to: Kentucky State Police, Criminal Identification & Records Branch, 1250 Louisville Road, Frankfort, Kentucky 40601.

Information on the form other than that posted on the Sex Offender Registry website shall be open to inspection by law enforcement agencies only.

- E. Any registrant who changes his address shall register as required by KRS 17.510(10). A post office box number shall not be a valid address and shall not be used. A registry modification form shall be completed to record any change in the registrant's address.
- F. If any registrant changes his address to a new state, the representative of Division of Probation and Parole shall advise the registrant that he has an obligation to register in the new state and notify the appropriate agency responsible for registration in the new state of the registrant information. See CPP 27-14-01 for those offenders who are on supervision in another state.
- G. The officer shall inform each registrant of the requirement that no registrant shall live within 1000 feet of a school, publicly owned playground, or licensed daycare pursuant to KRS 17.545. The officer shall verify compliance for those offenders under the supervisions of the Kentucky Division of Probation and Parole.
- H. Each offender required to register under KRS 17.520(5) shall be required to register for the period that corresponds to the registration requirement applicable to a substantially similar conviction under Kentucky law. The determination of what Kentucky offense is most similar to the crime for which the offender was convicted in the foreign jurisdiction shall be based on a comparison of the elements of the offense in the foreign jurisdiction to a similar Kentucky offense, as well as the relative severity of sentences for the comparable offenses in Kentucky and the foreign jurisdiction. Any offender who is determined to be a lifetime registrant may appeal the lifetime registration to the Assistant Director of the Division of Probation and Parole or designee. The Probation and Parole office shall notify and have the offender sign an acknowledgment that the offender is aware of the appeal policy. It is the offender's obligation to prove that the twenty (20) year registration period is appropriate instead of a lifetime designation. Any

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appeal shall be filed within sixty (60) days from the date of registration. The appeal shall be in writing and include:

1. A copy of the judgment of conviction from the foreign jurisdiction;
 2. A description of the offense, including the information required in section II.B. 1. of this policy; and
 3. A copy of the indictment, citation or other charging document which describes the conduct constituting the offense.
- I. If the decision on appeal is not satisfactory to the offender, the offender may submit an appeal to the Director of Probation and Parole who shall review the appeal and render a decision whether the offense meets the criteria established in KRS 17.520 for a twenty (20) year registration period within ninety (90) days from receipt of the appeal. The Director shall notify the registrant of his decision in writing by mailing his decision, via first class mail, to the last known address of the registrant.
- J. Each offender shall be limited to one appeal except for issues that could not have been raised in the earlier appeal.
- K. The penalties for noncompliance are set forth in KRS 17.510(11) and (12).
- L. If the Department of Corrections receives a letter of noncompliance from the Kentucky State Police, the registrant's name, date of birth, date of receipt of letter, and the date and the name of the Probation and Parole District representative that the letter was forwarded to for action, shall be entered in a database. A copy of the letter shall be retained in a file in Central Office. The original shall be forwarded to the designated Probation and Parole district representative, who shall document the date received and to whom the letter was assigned to for follow up. The officer shall consider if revocation is appropriate and notify the appropriate County Attorney and Commonwealth's Attorney for prosecution in accordance with KRS 17.510(13)(b). The officer shall record the date the notice was forwarded to the appropriate authority.